

APPENDIX E

CORRESPONDENCE AND INFORMATION SOURCES

Steve Hamlen
President & CEO

United Utilities, Inc.

Affiliate of United KUG Affiliate of Unicom



March 12, 2004

Ms. Grace Hill
Chair, Board of Directors
and
Mr. Henry Small
Business Manager
Qanirtuuq, Incorporated
P.O. Box 69
Quinhagak, AK 99655

Dear Ms. Hill and Mr. Small:

LEASE: QUINHAGAK

As discussed with Mr. Small earlier today, we would like to advise that United Utilities, Inc. (United) entered into a contract with the Yukon Kuskokwim Health Corporation to deliver advanced health care services via a telemedicine network. We plan to build a telecommunications tower that will link the Quinhagak local clinic to the telemedicine network in order to deliver advanced health care services to the community. In order to move forward with this project and before we can proceed further, United will need to lease a portion of property situated near Quinhagak. The property United would like to lease is located outside of the municipality of Quinhagak, next to Area E on the enclosed photograph of a map marking the proposed location. It is our understanding that Qanirtuuq, Incorporated owns this property. Please also find enclosed a drawing of the location entitled "Quinhagak Proposed Site" setting out the layout of the proposed site we would like to lease.

We would like to lease an area of approximately twenty thousand (20,000) square feet and erect a 250 foot tower (which will look similar to the KYUK tower located in downtown Bethel), an operations building, and one or more smaller buildings, to house our telecommunications equipment and other related equipment on the property. The tower and the building would be constructed on piling, which we would install. The tower will be lighted in accordance with FAA requirements. We will arrange for the installation of all utilities to the tower and the building. It is our intention to fence both the perimeter of the tower and the building.

During the initial construction phase of the project it will be necessary for United and its affiliates to bring construction equipment onto the property via an approved barge landing site closest to the property. At times, and particularly while we are using heavy equipment, installing piling and erecting the operations building, construction will be somewhat noisy. However, we anticipate that it will take approximately two weeks to complete the pile driving and a further

two weeks of heavy construction. Thereafter our operations will not cause disturbance to the community.

The proposed Ground Lease Agreement is enclosed for your consideration. We have proposed a long term lease (twenty years) with an option to renew. The proposed initial rental is consistent with our research and the rent that United is paying to lease land for similar purposes at other locations in the region.

It will also be necessary to enter into an Easement and Right-of-Way with Qanirtuuk, Incorporated for access to the site and for a twenty (20) foot wide easement across the land to lay communications cable, power and other utility lines for telecommunications purposes. A draft Easement and Right-of-Way is also attached for your consideration. The Easement will only be described and executed after the City selects a lot for use.

United is committed to working with Qanirtuuk, Incorporated to bring the latest in telecommunications services to community members. We are hopeful that we can obtain your approvals soon so that this project can move forward. We would be grateful if you would allow us access to the property in question as soon as possible in order to take preliminary soil samples. If you are satisfied with the proposed Ground Lease Agreement, please sign both copies of the lease before a notary (after completing all necessary information relating to the lot chosen and the details of the authorized signatory) and return same to us for execution and recording. When returning the lease document, we would appreciate if you would also provide us with a copy of the relevant document authorizing the signatory to execute the lease and any legal description of the Lot.

Kindly contact Jill McLeod (907-273-5290), or myself (907-273-5210), as soon as possible. We look forward to commencing construction in June 2004 in order to take full advantage of the short construction season. As requested, we will deliver a copy of this letter and the enclosed documents to your attorney Christine Hyatt at Hartig Rhodes Hoge & Lekisch, PC.

Quyana,

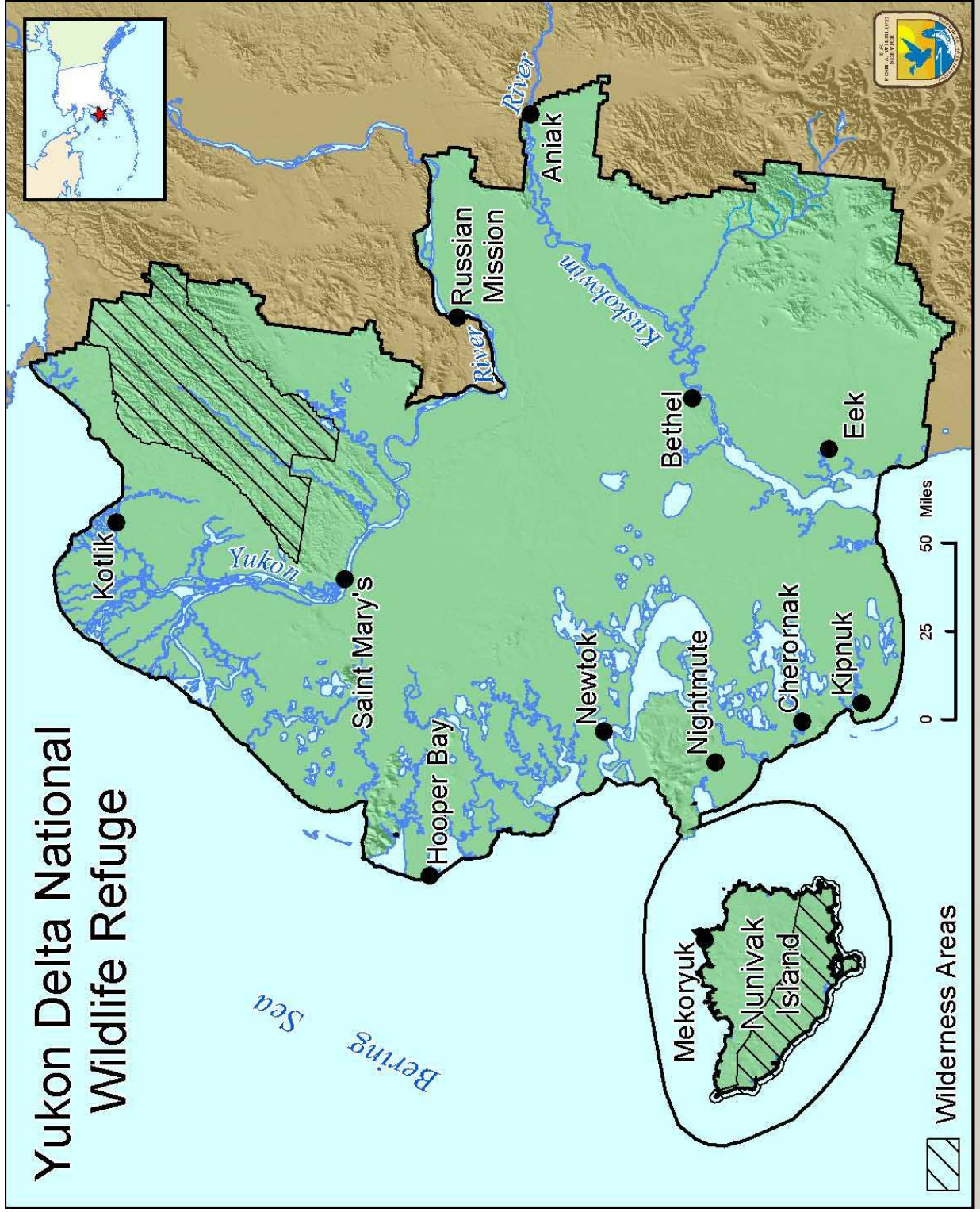


Enclosures: Photograph of proposed site
 Drawing setting out "Quinhagak Proposed Site" for tower and building
 Exhibit A
 Ground Lease Agreement
 Draft Easement and Right-of-Way

CC: Ms. Annic Roach, Tribal Administrator, Native Village of Kwinhagak

CC Enclosures: Photograph of proposed site
 Drawing setting out "Quinhagak Proposed Site" for tower and building
 Exhibit A

Yukon Delta National Wildlife Refuge





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Anchorage Fish & Wildlife Field Office
605 West 4th Avenue, Room G-61
Anchorage, Alaska 99501-2249

in reply refer to
AFWFO

June 21, 2004

Jill McLeod
United Utilities, Inc.
5450 A Street
Anchorage, Alaska 99518-1291

Re: Microwave Tower Installation in Quinhagak (*consultation number 2004215*)

Dear Ms. McLeod,

This letter is in reply to a request for concurrence with your determination that the installation of microwave towers in the villages of Akiak, Quinhagak, and Tuluksak will have no effect on threatened or endangered species or their critical habitat. This project proposes to erect a 75-foot tower in Akiak, 235-foot tower in Quinhagak, and 135-foot tower in Tuluksak. All towers are self supporting and do not require guy wires. The towers will be lighted with medium intensity, dual obstruction strobe lights as per Federal Aviation Administration (FAA) requirements for those sites.

The North American breeding population of Steller's eiders (*Polysticta stelleri*), listed as threatened under the Endangered Species Act (Act) in 1997, migrate along the shorelines of western Alaska during spring as they are heading to their breeding grounds to the north. These sea ducks are believed to migrate just off-shore, following the coastline to their destination. Aerial survey data indicate that during spring, Steller's eiders congregate in small flocks (1-50 individuals) off the Quinhagak coastline (Larned 2002). Reportedly, Steller's eiders, on occasion, veer away from the coastline and fly inland, particularly during periods of low visibility such as fog. Additionally they tend to migrate at night, fly relatively low over water and land (approximately 30 feet), and fly very fast (about 35 mph). These factors leave them very susceptible to striking on-land structures, such as towers, wires, and buildings, when they stray inland. Furthermore, because red solid or blinking lights may actually attract birds to the structures that avionics are trying to avoid, the Service developed the following recommendation with regard to lighting towers: *unless otherwise required by the FAA, only white (preferable) or red strobe lights should be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (longest duration between flashes) allowable by the FAA. The use of solid red or pulsating red warning lights at night should be avoided. Current research indicates that solid or pulsating (beacon) red lights attract night-migrating birds at a much higher rate than white strobe lights. Red strobe lights have not yet been studied (U.S. Fish and Wildlife Service 2000).*

The Service concurs with your determination that installation of towers in Akiak and Tuluksak will have no effect on threatened or endangered species, as no such species occur in these more interior villages. However, because Steller's eiders might migrate past Quinhagak, we cannot concur with your determination that erecting a 230-foot tower approximately ½ mile inland from

TAKE PRIDE
IN AMERICA 

the coast will have no effect. Rather, as we discussed in a telephone conversation on June 17, 2004, the Service can concur with the determination that this project is not likely to adversely affect Steller's eiders. Due to the low number of birds observed near Quinhagak during spring and fall aerial surveys, the distance of the tower from shoreline, and the self supporting nature of the tower, the Service believes the probability that a Steller's eider will strike this tower is so low as to be discountable.

If, during the life of this project Steller's eiders are observed around the tower or a collision is documented, the Service should be notified immediately and consultation should be reinitiated. Preparation of a biological assessment or further consultation under section 7 of Act regarding this project is not necessary at this time.

This letter relates only to federally listed or proposed species and/or designated or proposed critical habitat under our jurisdiction. It does not address species under the jurisdiction of National Marine Fisheries Service, or other legislation or responsibilities under the Fish and Wildlife Coordination Act, Clean Water Act, National Environmental Policy Act, Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act.

This concludes section 7 consultation on the Microwave Tower Installation Project in Quinhagak. Thank you for your cooperation in meeting our joint responsibilities under section 7 of the Endangered Species Act. If you have any questions, please contact me at (907) 271-1467. In future correspondences regarding this consultation please refer to consultation number 2004215.

Sincerely,



Ellen Lance
Endangered Species Biologist

Literature Cited

- Larned, W.W. 2002. Steller's eider spring migration surveys, southwest Alaska, 2002. Unpublished report. U.S. Fish and Wildlife Service, Migratory Bird Management Office, Waterfowl Branch, Anchorage, Alaska.
- LGL Alaska Research Associates, Inc. 2000. Abundance and distribution of Steller's eiders and other waterbirds at False Pass, Alaska, January through March of 2000. Unpublished report. LGL 1101 East 76th Ave., Anchorage, Alaska, 99518.
- U.S. Fish and Wildlife Service. 2000. Service Interim Guidelines For Recommendations On Communications Tower Siting, Construction, Operation, and Decommissioning. <http://migratorybirds.fws.gov/issues/towers/comrtow.html>

Cc: Mary Leykorn, USCOE

GOOD COPY

T

RECEIVED

JUN 24 2004

4:00pm

OHA

United Utilities, Inc.

Affiliate of United RUC Affiliate of Unicom



3130-IR RUS

June 24, 2004

EXTREMELY URGENT

FAXED
6/25/04

Ms. Judith E. Bittner
State Historic Preservation Officer
Department of Natural Resources
Office of History and Archaeology
550 West 7th Avenue, Suite 1310
Anchorage, AK 99501-3565

No Historic Properties Affected
Alaska State Historic Preservation Officer
Date: 6/25/04
File No.: 3130-IR RUS
MB

Dear Ms. Bittner:

United Utilities, Inc. is currently proposing to construct a telecommunications tower and associated facilities in the community of Quinhagak, Alaska. As this is a federal undertaking and will require federal and/or state permits, United Utilities, Inc. is required to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR 800. The location of the proposed Quinhagak facilities is Township 5 South, Range 74 West, Section 20 south of the community of Quinhagak on the Goodnews C-8 1:63,360 Quadrangle. A road presently connects the proposed telecommunication tower to the community of Quinhagak in Township 5 South, Range 74 West, Section 20 on the Goodnews C-8 1:63,360 Quadrangle. The enclosed vicinity map (based on U.S.G.S. 1:63,360 Quadrangle Goodnews C-8), which depicts the location of project components, assists in delineating the Area of Potential Effect (APE) of the planned project with known cultural resources. [36 CFR Part 800.11(d)(1)].

The proposed undertaking is located near cultural resource sites, although none of these sites are currently listed on the National Register of Historic Places. Based on information from the Alaska Heritage Resource Survey (AHRs), a review of available literature, and the recommendation from SHPO (letter to United Utilities dated October 31, 2003, File No. 3130-IR RUS), UUI has contracted with Stephen R. Braund & Associates (SRB&A) to identify cultural resources in the APE, evaluate the impacts of the planned construction project on the cultural resources in the APE, and recommend steps to be taken prior to construction that will ensure the protection of these resources.

Ms. Judy Bittner
State Historic Preservation Officer
June 24, 2004
Page 2 of 2

A literature search and review of AHSR files was completed on May 6, 2004. No cultural resources were found to be located in the APE. A field survey and subsurface testing occurred on May 19, 2004. Native consultation was initiated on May 14, 2004 and concluded on June 23, 2004. No additional information regarding cultural resources resulted from the consultations. The enclosed report, *United Utilities Archaeological Compliance Section 106 Report: Quinhagak Telecommunication Tower Locality*, documents these findings and United Utilities, Inc.'s implementation of 36 CFR 800.4(b).

Based on the archaeological survey, AHSR and literature review, and consultation, we are seeking your concurrence on the finding of "no historic properties affected" (36 CFR Part 800 Sec. 800.4 [d1]) by this undertaking.

If you have any questions, please contact me at 273-5219.

Sincerely,



Alex Leavens
Facilities Maintenance Manager

cc: Stephen Braund
Enclosures

Concur/Do Not Concur: _____

Judith E. Bittner
State Historic Preservation Officer

Date

Due to the high volume of reviews, our office is no longer writing letters of concurrence in cases where there are no historic properties affected by a given project. Instead, the cover letter is being stamped with **"No historic properties affected"** and being returned to the applicant. The stamp will serve as evidence of consultation with the State Historic Preservation Office as required by Section 106 of the National Historic Preservation Act. We will continue writing letters in situations where there are historic properties that may be affected by a given project.

Quinhagak | City Office: (907) 556-8615 | Revised: March 2000

STATUS	2 nd class city	LAST FLOOD EVENT	
POPULATION	595	FLOOD CAUSE	
BUILDINGS		ELEVATION	
RIVER SYSTEM	Kanektok River	FLOOD OF RECORD	
COASTAL AREA	Kuskokwim Bay	FLOOD CAUSE	
		ELEVATION	
NFIP STATUS	not participating	WORST FLOOD EVENT	
FLOODPLAIN REPORT	yes	FLOOD CAUSE	
FLOOD INSURANCE STUDY	no	FLOOD GAUGE	no

Comments: The following information is based on a temporary benchmark (TBM) with an assumed elevation of 100.0 ft. The TBM is located on the front porch of the new Quinhagak School, out from the center of the door.

SURVEY INFORMATION

1978 flood level (flood of record)	86.5
Recommended building elevation	88.5
First floor of the clinic	95.4
Front doorsill of the city office building	94.4
Front porch (1st floor) of the city power plant	95.1
Bottom of fuel tanks (near power plant)	92.7
Center of doorsill of the old Moravian Church	90.7
Tidal float debris from the fall, 1993, storm	88.5

Spring breakup generally does not cause flooding. However, river levels rise significantly three to four weeks after spring breakup due to snow melt in the mountains. The river at times floods the airport road due this rise.

Pagemaster | (907) 753-2622 Floodplain Manager | (907) 753-2610

Region 7



☐ No NWI Map Available

Draft

Final

Digital Data Status

Digitizing in Progress

☐ No Digital Data Available

 NAD27 Data Available



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
P.O. BOX 6898
ELMENDORF AFB, ALASKA 99506-6898
JUNE 29 2004

Regulatory Branch
North Section
POA-2004-852

Mr. Jon Duracinski
COE Manager
United Utilities, Inc.
5450 A Street
Anchorage, AK 99518-1291

Dear Mr. Duracinski:

This letter is in response to your June 9, 2004, request to conduct work under a Department of the Army (DA) Nationwide Permit (NWP). It has been assigned file number POA-2004-852, Kanektok River, which should be referred to in all future correspondence with this office. Your project involves constructing fill pads for a 230' microwave tower foundation, equipment building, and short driveway, and would result in 0.19 acre of wetland impact. The tower would be self-supporting with no guy wires and is part of a network of high capacity microwave connections providing broadband Internet service to villages in southwest Alaska. The project is located in section 20, T. 5 S., R. 74 W., Seward Meridian; at Latitude 59.749°N, Longitude 161.916°W, in Quinhagak, Alaska.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed plans (sheets 1-3), dated June 2004, is authorized by NWP 12, Utility Line Activities. NWP 12 and its associated Regional and General Conditions can be accessed at our website at www.poa.usace.army.mil/reg or, at your request, a paper copy will be provided to you. Regional Conditions A-F, I, and K-C apply to your project and you must familiarize yourself with them and comply with all terms and conditions associated with NWP 12.

Further, please note General Condition 14 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosure 1 is the form for you to complete and return to us.

This verification will be valid for two years from the date of this letter, unless the NWP authorization is modified, suspended, or revoked.

Please take a moment to complete and return the enclosed questionnaire. We are interested in suggestions on how we can improve our program.

Nothing in this letter shall be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations which may affect this work.

OPTIONAL FORM 59 (7-90)

FAX TRANSMITTAL		# of pages ▶	
To	Jill McCleved	From	Mary L.
Dept./Agency		Phone #	
Fax #	563-3185	Fax #	275-5315

NSN 7546-01-317-7029 5029-104 GENERAL SERVICES ADMINISTRATION

SCANNED

-2-

Please contact me by mail at the letterhead address, ATTN: CEPOA-CO-R-N, at 753-2716, or by e-mail to: mary.f.leykom@poa02.usace.army.mil if you have any questions.

Sincerely,

SIGNED

Mary Leykom
Regulatory Specialist/Biologist

CONCUR
CEPOA-CO

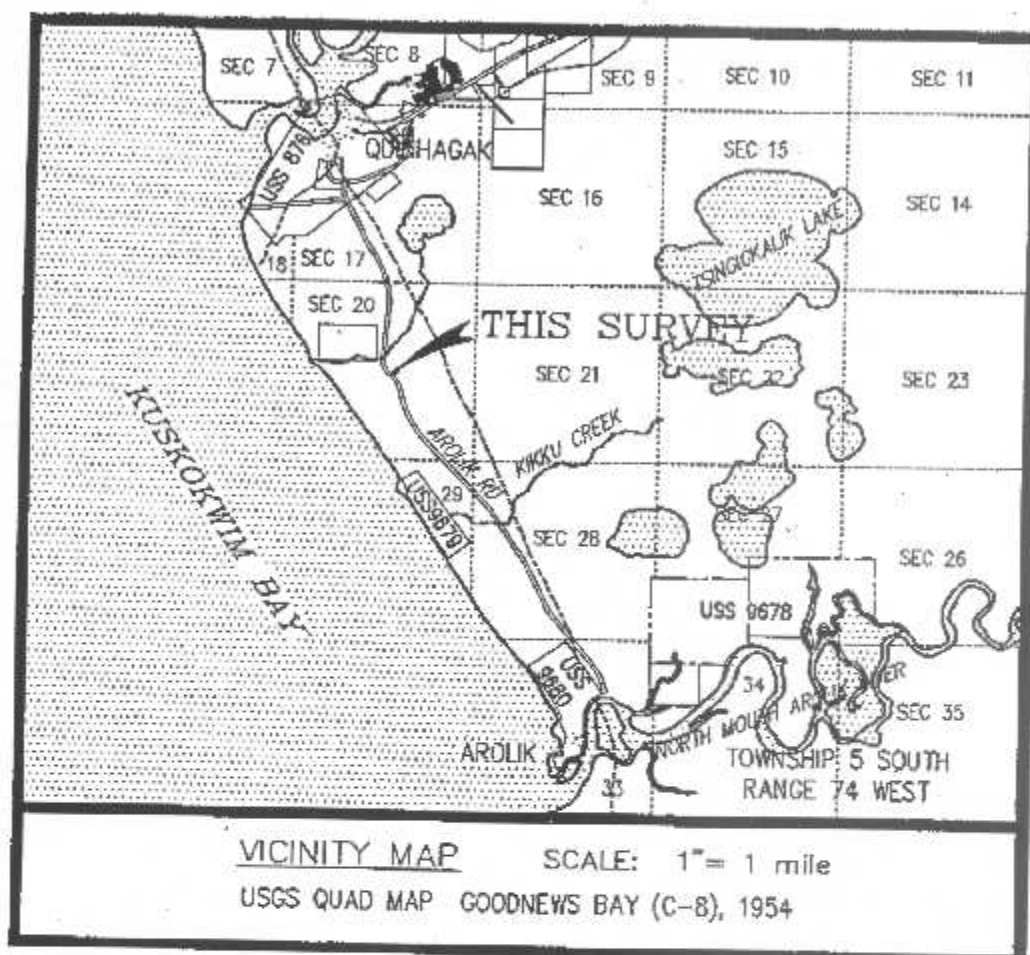
Leykom/cmp/3-2716
MFL(UUI Qu)/29 Jun 04
(1145b)

MFL
6-29-04

Enclosures

BCF:

Mr. Tim Rumpfelt, DEC, Anchorage, Alaska 99501-2617
Project Coordinator, ADNR, OPM&P, Anchorage, Alaska 99501-3510
Ms. Ann Rappoport, USFWS, Anchorage, Alaska 99501-2249
Supervisor, Western Alaska Ecological, NMFS, Anchorage, Alaska 99513-7577
Ms. Judith Bittner, ADNR, SHPO, Anchorage, Alaska 99501-3565
Mr. Richard E. Thompson, ADNR, Division of Land, Anchorage, Alaska 99501-3577
Mr. Gary Prokosch, ADNR, Division of Water, Anchorage, Alaska 99501-3577
Ms. Robin Willis, ADFG, Anchorage, Alaska 99518-1599
Alaska Operations Office, EPA, Anchorage, Alaska 99513-7588
Office of Habitat Management & Permitting, DNR, Anchorage, AK 99501-3513



United Utilities, Inc.
Microwave Tower & Equipment
Building in Quinhagak, Alaska

Location/Vicinity Map
Corps Number POA-2004-852

Sheet 1 of 3

JUNE 2004

TYPICAL SITE PLAN

(TOWER WILL BE FENCED)

MICROWAVE ANTENNAS

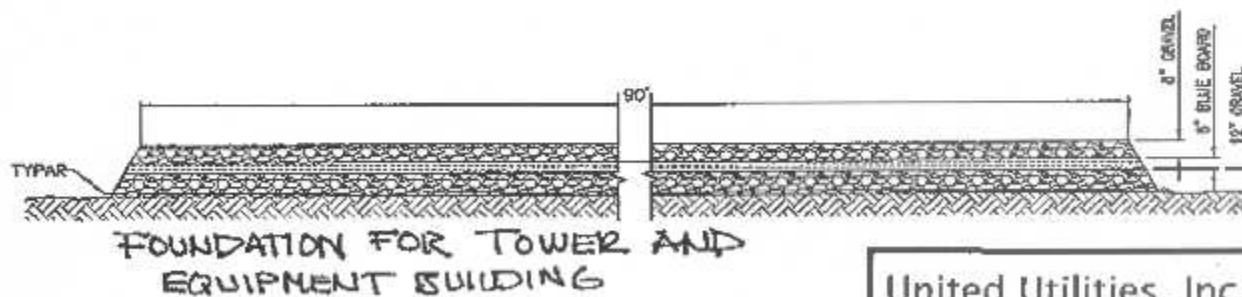
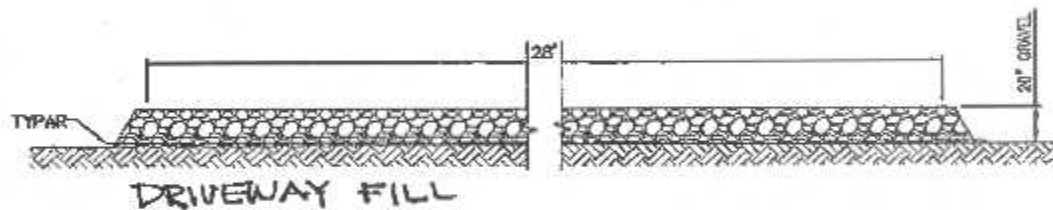
230'
TOWER

(EQUIPMENT BUILDING)

UUI CO

GROUND LEVEL

IMPORTED FILL

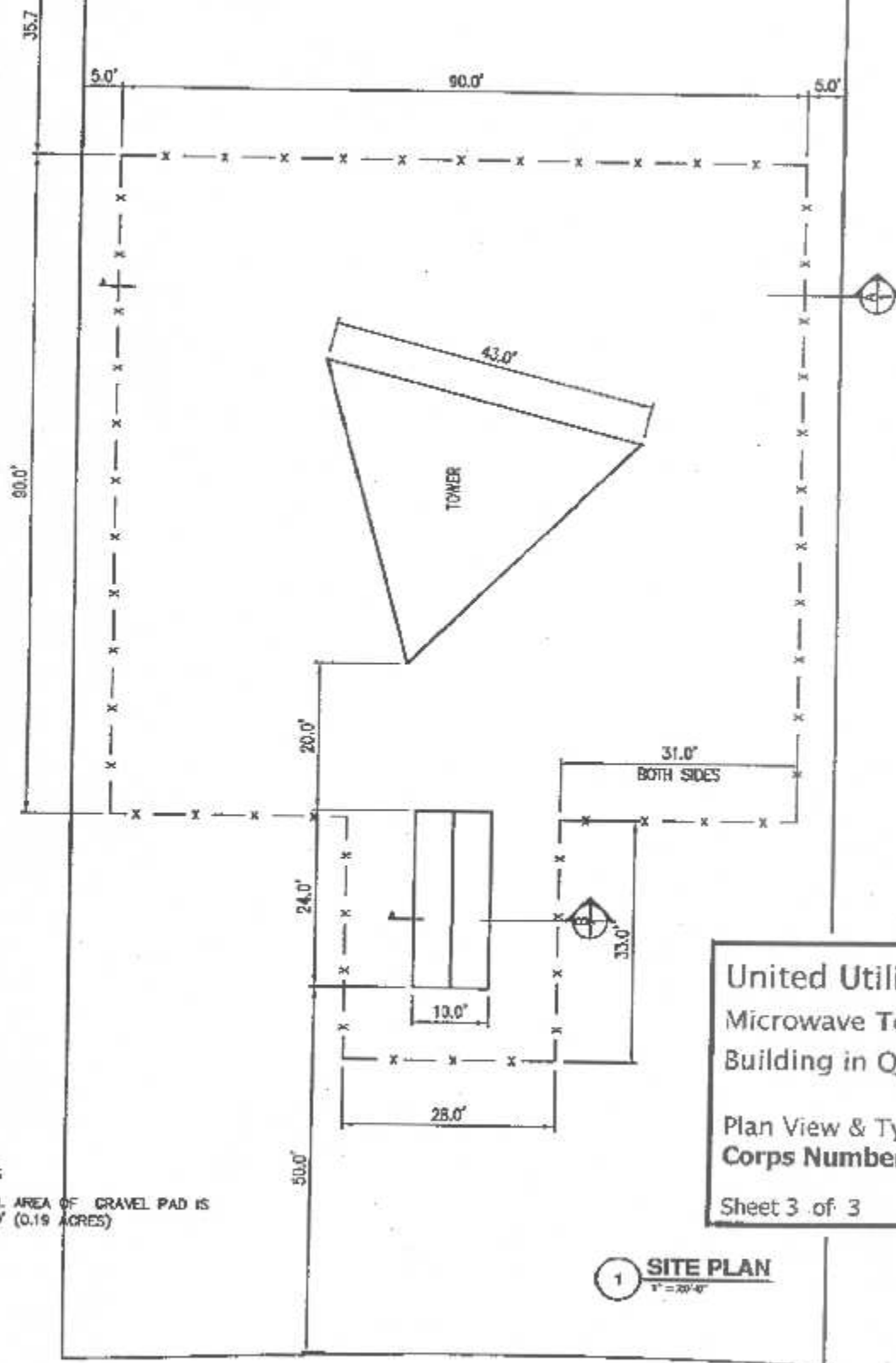


United Utilities, Inc.
Microwave Tower & Equipment
Building in Quinhagak, Alaska

Typical Tower & Building View
Corps Number POA-2004-852

Sheet 2 of 3

JUNE 2004





Federal Aviation Administration
Alaska Regional Office
222 West 7th Avenue, #14-AAL-535
Anchorage, AK 99513-7587

Aeronautical Study No.
2004-AAL-86-OE

Issued Date: 3/26/2004

David Heimke
United Utilities, Inc.
5450 A Street
Anchorage, AK 99518

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure Type: Antenna Tower
Location: Quinhagak, AK
Latitude: 59-43-43.3 NAD 83
Longitude: 161-54-26.7
Heights: 244 feet above ground level (AGL)
264 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure should be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

It is required that the enclosed FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

____ At least 10 days prior to start of construction
(7460-2, Part I)

X Within 5 days after the construction reaches its greatest height
(7460-2, Part II)

As a result of this structure being critical to flight safety, it is required that the FAA be kept appraised as to the status of the project. Failure to respond to periodic FAA inquiries could invalidate this determination.

This determination expires on 9/26/2005 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (907)271-5863. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2004-AAL-86-OE.

Signature Control No: 377170-263790

(DNE)

Robert van Haastert
Specialist

Attachment(s)
Frequency Data

7460-2 Attached

Frequency Data for ASN 2004-AAL-86-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6000	0	MHz	10	KW